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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DEFENDANTS' NOTICE OF FILING
AGENCY DECLARATIONS PURSUANT
TO PARAGRAPHS 3-5 OF THE COURT'S
ORDER ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

The Hon. William H. Alsup

Please take notice that, pursuant to Paragraphs 3, 4, and 5 of this Court's Order on the Parties' Cross Motions for Summary Judgment, *see* Order on Cross Mots. for Summ. J. at 37–38, ¶¶ 3-5, ECF No. 261, Defendants are filing declarations by the Chief Human Capital Officer of each defendant agency subject to the Court's Order—the U.S. Departments of Agriculture;

1 Commerce; Defense; Education; Energy; Health & Human Services; Homeland Security;
2 Housing and Urban Development; the Interior, Justice; Labor; the Treasury; Transportation; and
3 Veterans Affairs, as well as the Environmental Protection Agency; General Services
4 Administration; National Science Foundation; Small Business Administration; and Social
5 Security Administration, *see* Order at 36—acknowledging that: (i) the agency has updated the
6 personnel file, including the SF-50, of each probationary employee who received a termination
7 notice based on the U.S. Office of Personnel Management (“OPM”)’s January and February
8 2025 guidance and template notice to reflect that the termination was not performance or conduct
9 based, *see* Order at 37, ¶ 3; (ii) where applicable, the agency has not made a later termination of
10 any such employee retroactive to the date of the first and has updated all personnel files, *see id.*
11 ¶ 4; and (iii) the agency has issued a corrective notice to each such employee, *see id.* ¶ 5.
12 Attached to each declaration is an exemplar of the corrective notice sent to each such employee.
13 *See id.*¹

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28 ¹ As described in the attached declaration by the Chief Human Capital Officer of the U.S. Department of Justice, no notice is attached that declaration because the Department did not issue any termination notices to probationary employee based on OPM’s January and February 2025 guidance and template.

1 Dated: November 21, 2025

Respectfully submitted,

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